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U. S. Department of Health, Education, and Welfare
Public Health Service



LAWS OF THE COMMONWEALTH

ESTABLISHING

AND DEFINING THE POWERS OF

THE BOSTON BOARD OF HEALTH;

WITH THE

RULES,

ORDERS AND REGULATIONS

OF SAID BOARD

RELATIVE TO

INTERNAL HEALTH,

QUARANTINE OF VESSELS,

BURYING GROUNDS, &c.



PUBLISHED BY THE BOARD.



LAWS, &c.

RELATING TO

THE BOSTON BOARD OF HEALTH.

An Act to empower the Town of Boston to choose a Board of Health, and to prescribe their power and duty.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the town of Boston, qualified to vote for town officers, shall, on the first Wednesday of April annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freeholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person from each Ward, chosen by a majority of the voters present, and by ballot : And the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings ; and on the neglect of either of them, a Committee chosen by the Ward shall preside until a Clerk for such Ward is chosen by a majority of the voters present ; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting ; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid ; and upon his refusal or non-acceptance within four days, after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his Ward, at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting. *Provided however, in case of refusal to serve of*

Time of choosing Members,

Powers of Clerk.

Powers of President.

any person, at the time of his election in any Ward, the said Ward shall proceed to a new choice ; and in case of the acceptance of any person chosen as aforesaid, the Clerk of the Ward, where such person is chosen, shall notify the President of the Board of Health for the time being, or in case of his death or absence from Boston, the oldest Member of said Board, of such choice, within twenty-four hours after such choice is made ; and in all cases the said Board of Health for the time being shall continue in power and office until a new Board is chosen and organized agreeable to the provisions of this Act. And the President of the Board of Health, for the time being, or in case of his death or absence from the town of Boston, or incapacity to attend, the oldest Member of said Board present, shall, within five days after the return made to him, by two thirds of the Clerks of the Wards aforesaid, where and when two thirds of said Members of said Board of Health are chosen as aforesaid, notify the new Members chosen and returned as aforesaid, to meet at the usual place of the meeting of said Board, and shall at such meeting preside until a President and Secretary shall be elected by the Members of said new Board, for said Board ; and he hereby is authorized to administer to such Secretary an oath faithfully to record all the votes, orders, proceedings and regulations of said Board, and faithfully to perform all the duties of his said office, during his continuance therein ; which oath shall be entered and subscribed by such Secretary on the records of said Board, and attested by the person administering the same ; after which such Secretary shall have the custody of the records, books and papers of said Board ; and a certified copy of the votes, orders, proceedings and regulations of said Board, or a certified copy from the records of said Board, by such Secretary thereof, shall be received and admitted as evidence in all cases relating to the proceedings or concerns of said Board.

Regulations.

Powers.

SEC. 2. *Be it further enacted*, That said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth that may be injurious to the health of the inhabitants of the town of Boston, which do, or may exist within the limits of the town of Boston, or on any island, or in any vessel within the harbour of Boston, or within the limits thereof, and the same to destroy, remove or prevent, as the case may require ; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of Boston to enter forcibly any building, or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the said

town of Boston or the harbour thereof, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel—any Member of said Board, by order of said Board, may apply to any Justice of the Peace, within and for the county of Suffolk, and on oath complain and state, on behalf of said Board, the facts as far as said Board have reason to believe the same relative to such nuisance, source of filth or cause of sickness aforesaid; and such Justice shall thereupon issue his warrant, directed to the Sheriff of the county of Suffolk, or either of his Deputies, or any Constable of the town of Boston, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or some two Members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of as existing as aforesaid; and there, if found, the same to destroy, remove or prevent, under the directions and agreeable to the order of said Board of Health, or such Members of the same, as may attend and accompany such officer for such purpose. *Provided however,* Proviso. that no Sheriff or Deputy Sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And in all cases where such nuisance, source of filth, or cause of sickness shall be removed, destroyed or prevented in manner aforesaid, the cost of so removing, destroying or preventing the same, together with all costs attending the proceedings relative thereto, shall be paid by the person or persons, who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found. And in all cases where any contagious and malignant disorder exists, within the limits of the town of Boston, or on board of any vessel, or on any island within the harbour of Boston, and it appearing to said Board of Health, after the same has been examined into by the Physician of said Board, or some other respectable Physician of the town of Boston, that the public safety requires that any person or persons affected with any contagious, malignant disorder, should be removed to the Hospital on Rainsford Island, or to any other place within the limits of said town of Boston, on

any island in the harbour of Boston, or should be confined or remain in the place where such person or persons thus affected then are ; in every such case the said Board of Health shall pass an order relative to the same, which order, all persons, dwelling in or occupying such place, building or vessel, notified thereof by said Board, or called on by said Board, shall be obliged to obey ; and any person refusing to obey such order, or resisting any officer or person acting under the authority of said Board, or any Member of said Board, in any of the duties or requirements in this section of this Act, shall severally forfeit and pay for such offence a sum not less than five, and not exceeding five hundred dollars, according to the nature and aggravation of the offence.

RULES AND ORDERS. SEC. 3. *Be it further enacted,* That the said Board of Health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Boston, or on board any vessel, or on any island in the harbour of Boston, which they may think necessary ; which rules, orders and regulations, from and after the same have been published in two newspapers, printed in the said town of Boston, shall continue in force and be obeyed by all persons, until changed, altered or repealed by the same Board who made them, or by some succeeding Board of Health. And any person or persons who disobey or violate any such rules, orders or regulations, so as aforesaid made by such Board, shall severally forfeit and pay for such offence, a sum not less than one, and not more than fifty dollars, according to the nature and aggravation of such offence.

MAY SEIZE AND DESTROY PROVISIONS. SEC. 4. *Be it further enacted,* That the said Board of Health shall have power to seize, take and destroy, or to remove to any safe place without the limits of the town of Boston, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetable or other articles of the provision kind, or liquor, which in their opinion, first consulting the Physician of said Board, or some other reputable Physician of the town of Boston, shall not be fit for food and nourishment, and injurious to the health of those who might use the same : And the cost of such seizing, taking, destroying or removing shall be paid for by the person or persons in whose possession the same unwholesome, putrid, or tainted article shall or may be found.

SEC. 5. *Be it further enacted,* That the said Board of Health shall have power, from time to time, to make and establish all such rules, orders and regulations relating to clothing or any

article capable of containing or conveying any infectious disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbour of Boston, as they shall think proper for publick safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders and regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers, printed in the town of Boston, and shall continue to be in full force until altered or repealed by the Board who made and established the same, or some other succeeding Board; and every person who shall disobey or violate any of such rules, orders and regulations, shall forfeit and pay a sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence. Fines.

SEC. 6. *Be it further enacted,* That the said Board of Health shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbour of the town of Boston; and for that purpose shall have power, from time to time, to establish, make and ordain all such orders, rules and regulations relating to said quarantine, as said Board shall think necessary for the safety of the publick and the security of the health of the inhabitants of the said town of Boston; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the same shall have been published in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbour of Boston, and to the cargo of all such vessels, as to the vessels themselves; as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board or returning from the same; and every person who shall knowingly or wilfully violate or disobey any of such rules, orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not exceeding five hundred dollars, according to the nature and aggravation of such offence. Fines. And the Board of Health shall have power at all times, to cause any vessel arriv-

ing in the harbour of Boston, which is foul and infected, or whose cargo is foul and affected with any malignant and contagious disease, to be removed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same; and also all persons arriving in or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board, and to the Hospital on the same, there to remain under the orders and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

SEC. 7. *Be it further enacted*, That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal Physician to said Board, who shall reside in Boston, and an assistant Physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island-Keeper, to reside on said Hospital Island, Boatmen and such other Officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford or Hospital Island, and of the Hospital on the same, and of all property on said Island and belonging to or connected with the Hospital on the same; and shall annually in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the state of the property in and connected with the Hospital establishment on said Island, and of the property belonging to the Commonwealth on said Island, and of all money expended thereon.

SEC. 8. *Be it further enacted*, That said Board of Health shall have power to elect and appoint Scavengers, Superintendents of burying grounds, Funeral Porters or Undertakers, and such other Officers and Servants, as shall be necessary to carry into effect all the powers and duties in this Act given to, or required of the said Board of Health, and to fix and establish their fees of office or compensation; and all officers elected or appointed by said Board, shall be removeable from their said offices, at the pleasure of said Board, and others substituted,

Officers ap-
pointed for
Hospital Island.

Scavengers and
Funeral Port-
ers,

elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

SEC. 9. *Be it further enacted*, That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety seven, entitled "An Act to prevent the Spreading of contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Boston; and the accounts of said Board, including all receipts and expenditures of money, shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said Board of Health, the said Board may cause such vacancy to be filled by a new election from the Ward from which said Member was elected, by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this Act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

Transfer of
Powers.

Expenses.

Vacancies filled
up.

SEC. 10. *Be it further enacted*, That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician, of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case; and the said Jus-

May remove
sick prisoners.

tices to whom such application shall be made, shall examine into such case, and if satisfied that the facts stated are true, shall issue their warrant to said Board of Health, authorizing and directing them to remove said prisoner so attacked with such contagious and malignant disorder, to the Hospital on Rainsford Island, or to some other place of safety, there to remain under the directions of said Board, until such prisoner either recover or dies; and in case of recovery, then to be returned by said Board to the place from which he was taken; and such warrant so executed by said Board, or any Member thereof, shall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the process for committing such prisoner to gaol, shall have issued; and the place to which such prisoner shall be removed by virtue of such order, shall be considered as the gaol of the county of Suffolk; and every prisoner removed as aforesaid, for the causes aforesaid, shall not thereby be considered as having committed any escape, so as to prejudice either himself, his bondsmen, or the persons who had the custody of him in his confinement aforesaid.

SEC. 11. *Be it further enacted*, That the said Board of Health of the town of Boston are hereby authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town, to establish the police of the Burying grounds, appoint and locate the places where the dead may be buried in said town, and cause the places for the deposit of the dead in said town, and the Burying grounds, to be repaired and properly enclosed. Also to make regulations for funerals and funeral processions, and appoint all necessary Officers and persons to carry the same into effect, and to appoint to them their duties and fees; and shall also have the power to establish such penalties for the violation of any such rules, orders and regulations, as they may think proper: *Provided*, no one penalty for any one violation, shall exceed the sum of fifty dollars. And all such rules, orders or regulations, so as aforesaid made and established by said Board, shall be obeyed by every person, from and after the same have been published in two of the newspapers printed in Boston, and shall continue in full force, until the same are altered or repealed by the said Board, who made and established them, or by some succeeding Board.

Burying
Grounds.

Funerals.

Proviso for Penalties.

Permits.

SEC. 12. *Be it further enacted*, That the said Board of Health shall have power to grant permits for the removal of any nuisance, infected article, or sick person, within the town of Boston, when they think it safe and proper so to do; and

said Board, whenever they think justice requires it, may stop, discontinue, discharge or compromise any suit, complaint or information, originating under this Act. And all fines, forfeitures, penalties, sums to be paid or recovered, arising under any of the provisions of this Act, shall be prosecuted for, by and in the name of "The Board of Health of the town of Boston," by complaint or information by said Board, to be made in writing to some Justice of the Peace within and for the county of Suffolk; which said Justice, upon said complaint or information being made to him as aforesaid, shall receive the same, and thereupon issue his warrant, therein reciting the said complaint or information, directed to the Sheriff of the county of Suffolk or either of his Deputies, or any Constable of the town of Boston, commanding them or either of them, to summon the party informed against or complained of, to appear before him at a time and place to be named in said warrant, to shew cause, if any they have, why they should not pay the sum demanded of them in such complaint or information: which said warrant, shall by the officer who receives the same, be served on the party informed or complained against as aforesaid, at least seven days before the day in said warrant stated, as the said day of trial, by giving such party in hand, a copy of such warrant, reading the same to him, or leaving a copy thereof at the last and usual place of the abode of such party; and if such party shall not appear at the time and place appointed, or appearing shall not shew sufficient cause as aforesaid, the said Justice shall proceed to render judgment in every such case, that the said Board of Health shall recover such sum in damages or as fine, as the case may be, as according to the provisions of this Act, they ought by law to recover, with costs, and shall proceed to issue his execution therefor, in the same manner as executions issue from Justices of the Peace in civil cases triable before them; and such executions shall be served and made returnable in the same manner as executions in civil actions are by law served, and made returnable, which issue on judgments rendered in the Supreme Judicial Court of this Commonwealth: *Provided however*, that in all such prosecutions as aforesaid, if the said Board of Health shall discontinue such prosecution or become nonsuit, or the same on the merits should be decided by such Justice trying such prosecution against them, in every such case, the said party informed against and complained of, shall recover his legal costs against said Board, which costs shall be paid by the Treasurer of the town of Boston. And in every prosecution under this Act, before any Justice of the Peace as aforesaid, the party complained against in such prosecution, be-

May prosecute.

Forms of Process.

Proviso.

- Appeals. ing dissatisfied with the judgment in the same, given by such Justice, may appeal therefrom to the Boston Court of Common Pleas, next to be holden at Boston, within and for the county of Suffolk, after such judgment is so as aforesaid given, or rendered by such Justice; *provided* such appeal be entered within twenty-four hours after such judgment is given as aforesaid; and the same proceedings in all respects relating to such appeal, shall be had as are by law required on appeals from judgments rendered in civil causes by Justices of the Peace in this Commonwealth; and on the entry of such appeal in said Court, the said Court shall have cognizance and jurisdiction of the same, and shall proceed to hear and determine the same in the same manner, and award execution in the same way and manner as they have cognizance and jurisdiction, proceed to hear and determine and award execution in civil causes, on appeals to them from judgments given by Justices of the Peace in this Commonwealth. And in all cases of such appeals on prosecutions under this Act, the party prevailing in the said Court shall recover his costs, to be paid in the manner prescribed in this section of this Act: *Provided however*, that no appeal shall be allowed or granted to said Court in any prosecution under the provisions of this Act, where the amount of the judgment rendered and had before, and by any Justice of the Peace, shall not amount to more than five dollars exclusive of costs. And all fines and forfeitures recovered by said Board of Health, under the provisions of this Act, shall inure to the use of the inhabitants of the town of Boston, and be accounted for by said Board of Health, to and with the Town Treasurer of said town of Boston. *And provided also*, that in consequence of said appropriation of said fines and forfeitures, or the appropriation of any other monies by virtue of this Act, no inhabitant of the said town of Boston shall be disqualified as a Justice of the Peace, a witness or juror in any prosecution under this Act, nor shall the said Board of Health or any Member of the same, or any officer of the same, be rendered thereby incompetent witnesses in any prosecution under this Act; and the Members of said Board of Health, while they continue in such office, shall be exempted from all militia duty and every other duty and service, which by law the Selectmen of towns in this Commonwealth are exempted from: and all laws heretofore made relating to a Board of Health in the town of Boston, so far as they are inconsistent with or contrary to the provisions of this Act, shall be, and the same are hereby repealed. *Provided however*, that the election of the present Board of Health for the said town of Boston, and all their doings under the said laws
- Costs.
- Proviso.
- Exemptions.
- Acts repealed.

are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present Act; *and provided also*, that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this Act had never been passed. And in all prosecutions under this Act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same; and the complaint, information, pleadings or proceedings in any prosecutions under this Act, may, by leave of Court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party.

May plead the general issue.

[Approved by the Governor, June 20, 1816.]

An Act to prevent the Spreading of contagious Sickness.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That for the better preventing the spreading of infection, when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this State, shall be visited, or shall lately before have been visited with the plague, small pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others, the Selectmen of the town where such person or persons may arrive, or be, are hereby empowered to take care and make effectual provision in the best way they can, for the preservation of the inhabitants, by removing such sick or infected person or persons, and placing him or them in a separate house or houses, and by providing nurses, attendance, and other assistance and necessaries for them; which nurses, attendance, and other assistance and necessaries, shall be at the charge of the parties themselves, their parents or masters (if able) or otherwise at the charge of the town or place whereto they belong; and in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the Commonwealth.

Selectmen to remove and accommodate persons sick with contagious distempers.

SECT. 2. *And be it further enacted*, That any person or persons coming from any place out of this State, where the small pox or other malignant distemper is prevailing, into any town within this State, shall, when thereto required by the Selectmen of such town, within the space of two hours from the time they shall be first informed of their duty by law in this particular, give notice to one or more of the Selectmen, or the Clerk of

Persons arriving from places infected to inform Selectmen

such town, of their coming there, and of the place from whence they came, upon pain of forfeiting, in case of neglect, the sum of *one hundred dollars*. And such person or persons, if not disabled by sickness, shall, within the space of *two* hours after warning given to him or them by the Selectmen of such town for that purpose, depart from this State, in such manner and by such road, as the said Selectmen shall direct; and in case of refusal, it shall be lawful for any Justice of the Peace in the county where such town may lie, by warrant directed to a constable or other proper officer, or other person whom the Justice shall judge proper, to cause such person or persons to be removed into the State from whence he or they may have come; and any person removed by warrant as aforesaid, who, during the prevalence of such distemper, shall presume to return into any town of this State, without liberty first obtained from such Justice, shall forfeit and pay the sum of *four hundred dollars*: And any inhabitant of this State, who shall entertain in his house any person warned to depart as aforesaid, for the space of *two* hours after notice given him of such warning, by one or more of the Selectmen aforesaid, shall forfeit and pay the sum of *two hundred dollars*.

Such persons shall depart, if so directed by the Selectmen.

Penalty for returning, without previous permission

Penalty for retaining persons warned to depart.

Persons may be appointed to attend at ferries, &c.

Their Power.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the Selectmen of any town near to, or bordering upon, either of the neighbouring States, to appoint by writing under their hands, some meet person or persons to attend at ferries or other places by or over which passengers may pass from such infected places; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, and, if need be, to hinder and restrain them from travelling, until licensed thereto by a Justice of the Peace within such county, or by the Selectmen of the town in which such person or persons may come; and any passenger, who coming from such infected place, shall (without license aforesaid) presume to travel within this State, unless it be to return by the most direct way to the State from whence he came, after he shall be cautioned to depart by the person or persons appointed as aforesaid, shall forfeit and pay the sum of *one hundred dollars*; the several forfeitures aforesaid to be recovered by action of debt in any Court of Record proper to try the same; one moiety to and for the use of the town where the offence shall be committed, the other moiety to the use of the person who may sue for the same.

Sheriffs, &c. may be required to remove infected persons or take up houses, &c.

SECT. 4. *And be it further enacted*, That if need be, any two Justices of the Peace may make out a warrant directed to the Sheriff of the County, or his Deputy, or Constables of the town, or place where any such sick person or persons may be,

requiring them or any of them, in the name of the Commonwealth, with the advice and direction of the Selectmen of the same, to remove such infected person or persons, or to impress and take up convenient houses, lodging, nurses, attendance and other necessities, for the accommodation, safety and relief of the sick. And such Sheriff, his Deputy and Constable, are hereby authorized and required to execute such warrant accordingly.

SECT. 5. *And be it further enacted*, That whenever there may be brought into any town within this State, either from any other town therein, or from parts without the State, any baggage, clothing or goods of any kind whatsoever, and it shall be made to appear by the Selectmen of the town to which such baggage, clothing, or other goods shall be brought, or by the major part of such Selectmen, to the satisfaction of any Justice of the Peace, that there is just cause to suspect such baggage, clothing, or other goods, to be infected with the plague, small pox, pestilential fever, or other malignant contagious distemper, it shall be lawful for such Justice of the Peace, and he is hereby required in such case, by warrant under his hand and seal, directed to the Sheriff, or his Deputy, or any Constable of the town in which such baggage, clothing, or other goods shall be, requiring him to impress so many men as said Justice shall judge necessary to secure such baggage, clothing, or other goods, and said men to post as a guard and watch over the house or other place or places where such baggage, clothing, or other goods shall be lodged; which guard and watch are hereby required to take effectual care to prevent such baggage, clothing, or other goods, being removed or intermeddled with, by any persons whatsoever, until due inquiry be made into the circumstances thereof; requiring likewise the said Sheriff, his Deputy, or the Constable aforesaid, if it shall appear necessary, with the advice and direction of said Selectmen, to impress and take up convenient houses or stores, for the receiving, lodging and safe keeping of such baggage, clothing, or other goods, until the same shall be sufficiently cleansed from infection: And in case it shall appear highly probable to the said Justice, that such baggage, clothing, or other goods, are infected as aforesaid, he is hereby empowered and directed to issue his warrant in manner as aforesaid, requiring said Sheriff, his Deputy, or any Constable, or other person therein specially named, to remove said baggage, clothing, or other goods, to some convenient place, where there shall be the least danger of the infection spreading; there to remain, until the same shall be sufficiently aired and freed from infection in the opinion of said Selectmen: And the said Sheriff, Deputy Sheriff, or Constable, in the execution of said warrants, are empowered and directed, if need be, to break up any house, ware-house, shop or other place, particularly

Baggage goods, &c. to be secured, if infected.

To be guarded.

If necessary, to be stored till free from infection.

Or may be removed at a distance

Ware houses, &c. may be broken up in search of infected baggage, &c.

Citizens are to afford assistance, if called upon.

Expenses of removal, &c. to be defrayed by the owners.

Inquiry to be made of vessels passing the Castle.

Vessels to be detained, if conceived infectious.

Penalty for falsely answering at the Castle.

mentioned in said warrant, where such baggage, clothing, or other goods shall be; and in case of opposition, to require such aid as shall be necessary to effect the execution of said warrants, and repel such opposition; and all persons are hereby required, at the commandment of either of the said officers, having either of the warrants aforesaid, under penalty of *ten dollars*, to be recovered before any Justice of the Peace in the County where such opposition may happen, to assist such officer in the execution of the same warrant, against any opposition as aforesaid; and the charges of securing such baggage, clothing, or other goods, and of airing and transporting the same, shall be borne and paid by the owners thereof, at such rates and prices as shall be set and appointed by the Selectmen of the town, where such baggage, clothing or other goods shall be, to be recovered by action of debt, by any person or persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

SECT. 6. *And be it further enacted*, That inquiry shall be made by the officer or other person on duty at the Castle in the harbour of *Boston*, of every vessel coming from sea, and passing by the said Castle, whether any infectious sickness be on board, or has been on board, since such vessel left the port from whence she last came; and if any such vessel has any sickness on board, or has had any on board, since her leaving such port, in such case, orders shall be given by said officer, or other person on duty, to the master or commander of such vessel, immediately to anchor, and to remain at anchor until a certificate shall be obtained from the major part of the Selectmen of the town of *Boston*, that they are of opinion such vessel may come up to the town without danger to the inhabitants, or until the said master or commander shall receive orders from the said Selectmen to anchor his vessel near the Hospital on *Rainsford Island*, in the harbour of *Boston*. And in case any master or commander of a vessel shall, by himself or the people on board, make false answer, when inquired of as aforesaid, by the officer or other person on duty as aforesaid, or after orders are given as aforesaid, shall neglect or refuse to anchor near the Castle as aforesaid, or come on shore, or suffer any passenger or other person belonging to the vessel to come on shore, or any goods to be taken out before the vessel shall have anchored, or without liberty from the Selectmen as aforesaid; or in case any master or commander of a vessel ordered to anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such case, every master or commander so offending, shall forfeit and pay for each offence the sum of *four hundred dollars*, or suffer six months imprisonment.

SECT. 7. *And be it further enacted,* That upon application made to the Selectmen of the town of *Boston*, by any master or commander of any vessel at anchor near the Hospital as aforesaid, the said Selectmen are hereby empowered to permit such passengers, goods, or lading, as they shall judge free from infection, to come on shore, or to be taken out and disposed of as the owners shall see fit; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be landed on said Island: And if any master or commander of any such vessel, for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boat to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up to said town, with his vessel, until by a certificate under the hands of said Selectmen, or the major part of them, it shall appear that said vessel, company and goods are clear of infection, and the orders for stopping the same be removed or taken off, he shall for every such offence forfeit the sum of *two hundred dollars*; and in case he be not able to pay that sum, he shall suffer three months imprisonment; and if any sailors or passengers, coming in said vessel, shall, without the knowledge or consent of the master or commander, presume to come on shore, or up above the Castle aforesaid, or if any person shall knowingly presume to go on board from shore, or go to the aforesaid House or Island in time of infection there, without leave as aforesaid; or if any person put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the said Island without leave as aforesaid; any person offending in any of the particulars above mentioned, shall forfeit the sum of *two hundred dollars*; and in case such person be not able to pay said forfeiture, he shall suffer two months imprisonment. All prosecutions for offences contrary to this and the preceding section, shall be by indictment or information in the Supreme Judicial Court or Court of General Sessions of the Peace; and one moiety of all fines mentioned in said sections, shall be to the use of the town of *Boston*, and the other moiety to the use of the Selectmen of said town for the time being, whose particular duty it is hereby made to prosecute therefor.

SECT. 8. *And be it further enacted,* That whenever any ship or vessel, wherein any infection or infectious sickness hath lately been, shall come to any harbour within this State; or whenever any person or persons belonging to, or that may either by sea or land come into any town or place near the public Hospital aforesaid, shall be visited, or shall lately before have been visited with any infectious sickness, two of the Justices of the Peace or Selectmen of such place, be, and hereby are empowered immediately to order the said vessel and sick persons

to the said Hospital, there to be taken care of according to the directions of this Act: And where any such ship, vessel, or persons, cannot, without great inconvenience and damage, be ordered to the aforesaid Hospital, in any such case, the rules and directions are to be observed which are provided in the first enacting clause of this Act; and in case the master or mariners of any vessel ordered to the Hospital as aforesaid, shall refuse or delay, for the space of six hours after such order being given to said master, or either of the owners of said vessel, or of the factors, or either of said owners of the goods, to come to sail, if wind and weather permit, in order to proceed to said Hospital, such master so refusing, shall forfeit and pay the sum of *four hundred dollars*; and each mariner so refusing, the sum of *one hundred dollars*; and in case they be not able to pay said sums, they shall suffer six months imprisonment; one half of said fine to be to the informer, and the other half to the poor of the town or district, to which such port or harbour belongs, and to be recovered in any Court of Record proper to try the same, by indictment or information.

In case of refusal to go to the Hospital.

Persons refusing to answer properly, when questioned by the Selectmen

SECT. 9. *And be it further enacted*, That if any master, seaman or passenger, belonging to any vessel on board which any infection is, or may have lately been, or suspected to have been, or which may have come from any port where any infectious mortal distemper prevails, shall refuse to make answer on oath to such questions as may be asked him or them relating to such infection, by the Selectmen of the town to which such vessel may come, (which oath the said Selectmen are hereby empowered to administer) such master, seaman, or passenger, so refusing, shall forfeit the sum of *two hundred dollars*; and in case he be not able to pay said sum, he shall suffer six months imprisonment; said penalty to be adjudged on prosecution by indictment or information in any Court proper to try the same; one moiety of said fine to the use of the town where the offence may be committed, and the other moiety to the use of the Selectmen thereof, whose particular duty it is hereby made to prosecute therefor.

Nurses, &c to be provided.

And the Selectmen of *Boston* are hereby authorized and directed to provide nurses, assistance, and other necessaries, for the comfort and relief of such sick persons as may be sent to said Hospital as aforesaid: The charge thereof to be borne by the said persons themselves, if able; or if poor and unable, by the towns to which they respectively belong; or if not inhabitants of any particular town, or other place within this State, then by the Commonwealth.

SECT. 10. *And be it further enacted*, That whenever the small pox, or other mortally infectious distemper shall prevail in any of the towns wherein the Supreme Judicial Court of

this Commonwealth, the Courts of Common Pleas, or General Sessions of the Peace are to be holden, at the times prescribed by law, or by their own adjournment, for their sitting in such town, the Justices of the said Courts respectively are hereby empowered to adjourn and hold said Courts in any town within the same County, by proclamation to be made in the shire town, or as near the same as safety will in their opinion permit.

SECT. 11. *Be it further enacted*, That each town or district in this Commonwealth, may, at their meeting held in March or April annually, or at any other meeting legally warned for the purpose, when they shall judge it to be necessary, choose and appoint a Health Committee, to consist of not less than five, nor more than nine suitable persons, or one person to be a Health Officer, whose duty it shall be to remove all filth of any kind whatever, which shall be found in any of the streets, lanes, wharves, docks, or in any other place whatever, within the limits of the town to which such Committee or Health Officer belongs, whenever such filth shall in their judgment endanger the lives or the health of the inhabitants thereof: all the expenses whereof to be paid by the person or persons who placed it there, if known, or if not, by the town by which said Committee or Health Officer was appointed. And whenever any filth as aforesaid shall be found on private property, said Committee or Health Officer shall notify and order the owner or occupier thereof, after twenty four hours notice, to remove the same, at their own expense; and in case said owner or occupier shall neglect to remove such filth from his or her property, after the expiration of the time aforesaid, he or they so offending shall forfeit and pay a fine of *one hundred dollars*, to be sued for and recovered with costs of suit by said Committee or Health Officer, before any Court proper to try the same, for the use of the poor of the town in which such offence is committed. And said owner or occupier as aforesaid shall be liable and obliged to repay to said town all cost and charges which the said Committee or Health Officer may have incurred in removing the filth from his or her property; and in case of refusal to pay the same, he or they may be sued in the same way as is provided in this Act for the recovery of fines as aforesaid.

SECT. 12. *And be it further enacted*, That whenever any vessel shall arrive at any port other than *Boston* within this Commonwealth, having on board any person visited with the plague, small pox, malignant fever, or any other pestilential disease, the master, commander, or pilot thereof, shall not bring such vessel up near the town of the port where she first arrives, until liberty be first granted in writing by the Selectmen thereof; but they may bring such vessel to an anchor in such place below

Courts may adjourn from infectious towns.

Health Committee or officer may be appointed.

Infectious vessels, how to be disposed of at other towns than Boston.

the town as will be most for the safety of the inhabitants thereof, and the preservation of the vessel and the people on board, there to wait for orders from the Selectmen of such town before any passenger or person belonging to, or any thing on board the same be brought on shore; and any master or commander of such vessel, who shall be found guilty of a breach of the law contained in this section, shall forfeit and pay a fine of *two hundred dollars* for every such offence, upon conviction thereof before any Court proper to try the same; and any Pilot who may go on board any such vessel and pilot the same up to the town, without liberty first had and obtained from the Selectmen thereof as aforesaid, shall, upon conviction in manner as aforesaid, forfeit and pay a fine of *fifty dollars* for every such offence; all which fines contained in this section may be sued for and recovered with costs of suit, in manner as aforesaid, by the Selectmen of the town where the offence is committed, to and for the use of the same town.

Previous laws
repealed.

SECT. 13. *And be it further enacted*, That a law of this Commonwealth, made in the year one thousand seven hundred and one, providing in case of sickness; one other law made in addition thereto in the year one thousand seven hundred and fifty-one; one other law made in the year one thousand seven hundred and thirty, empowering Courts to adjourn and remove from the towns appointed by law for holding Courts, to other towns, in case of sickness by the small pox; one other law made in the year of our Lord one thousand seven hundred and fifty-seven, for regulating the Hospital on *Rainsford's Island*, and further providing in case of sickness; one law passed the next year in addition thereto; one other law made in the year one thousand seven hundred and forty-two, to prevent the spreading of the small pox, and other infectious sickness, and to prevent the concealing the same, be, and they are hereby repealed; except that the same shall remain in force for the purpose of recovering all fines incurred by force thereof.

[This Act passed June 22, 1797.]



An Act in addition to an Act, entitled, "An Act to prevent the Spreading of contagious Sickness."

Preamble.

WHEREAS it is necessary that some further provision should be made by law, to require vessels to perform quarantine, for the safety of the people in this Commonwealth:

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever it shall appear to the Selectmen of any seaport

town within this Commonwealth (other than *Boston* and *Salem*) that the safety of the inhabitants thereof requires, that any vessel or vessels, which shall arrive in any harbour or river within this Commonwealth, from any port or place, should perform quarantine, the Selectmen of any town where such vessel shall so arrive, are hereby required and empowered to cause such vessel or vessels to perform quarantine, at such place as they shall appoint, and under such restrictions and regulations as they may judge expedient; and any owner, master or supercargo, officer, seaman or consignee of such vessel or vessels, or any other person who shall neglect or refuse to obey the orders, directions, rules, regulations and restrictions of the said Selectmen, respecting the said quarantine, and shall be convicted thereof, upon indictment or information, before the Supreme Judicial Court or Court of General Sessions of the Peace, held in the county where the offence may be committed, shall forfeit and pay a sum not exceeding *five hundred dollars*, or be imprisoned for a term of time not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Penalty for disobeying orders, directions, &c. of Selectmen

SECT. 2. *Be it further enacted*, That when any master or commander of any vessel shall come up to any seaport town aforesaid, with his said vessel, after notice given to him by any person or persons whomsoever, that a quarantine has been directed by the said Selectmen for all vessels coming from the port or place from which such master or commander shall have arrived; or shall falsely or fraudulently attempt to elude the directions of the said Selectmen, by false and unfounded declarations of the port or place from whence he came; or shall land, or suffer to be landed from his vessel, any person or persons, or apparel, bedding, goods or merchandize whatsoever, without the permission of the said Selectmen,—every such master or commander shall, upon conviction thereof in manner and form pointed out in the first section of this Act, forfeit and pay a sum not exceeding *five hundred dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Attention to be paid to any information of quarantine.

No person or thing to be landed.

Penalty.

SECT. 3. *Be it further enacted*, That whenever the said Selectmen shall think it necessary to order all vessels which shall or may arrive at any of the seaport towns aforesaid, from any particular port or ports, to perform quarantine, and shall give notice of such order to the Pilots of the said seaport towns; it shall be the duty of such Pilots to make known the said order to the captains or masters of all vessels which they shall board. And if any Pilot, after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any such vessel up to any town aforesaid, he shall, upon conviction

When Selectmen shall order quarantine, Pilots directed to make it known to captains, &c.

thereof in manner and form pointed out in the first section of this Act, forfeit and pay a fine not exceeding *one hundred dollars*.

SECT. 4. *Be it further enacted*, That the Selectmen of each of the seaport towns aforesaid, shall provide, at the expense of such towns, a suitable number of red flags, of three yards at least in length; and the master of every vessel ordered to perform quarantine, for the purpose of purification, shall hoist one of said flags on the head of the mainmast, there to be kept during the whole time, so long as said vessel or vessels are performing quarantine; and no person during the time shall go on board, except those employed by the said Selectmen; and every person who shall transgress by going on board any such vessel, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those persons who are performing quarantine on board such vessel or vessels, and shall there remain until discharged by order of said Selectmen, who, by any person or persons employed by them, may forcibly detain such person or persons transgressing as aforesaid, for the purpose of purifying as aforesaid.

SECT. 5. *Be it further enacted*, That in every seaport town aforesaid, where there is a Health Committee or a Health Officer, legally chosen and appointed in manner as directed by the Act to which this is in addition, and the Selectmen of such town shall judge it necessary, and shall certify it under their hands, or the major part of them; such Health Committee or Health Officer are hereby authorized to perform all the duties, and exercise all the authority which Selectmen are authorized and required to execute, in requiring any person or persons, vessel or vessels as aforesaid, to perform quarantine in manner as pointed out in this Act.

SECT. 6. *And be it further enacted*, That all the forfeitures arising from this Act shall accrue to the use of the town where the offence shall be committed; and all expenses arising from any vessel, person or persons, or effects on board the same, performing quarantine as aforesaid, shall be paid by the owner or owners of such vessel, or effects on board the same; and in case of refusal to pay such expenses, the same may be recovered by an action of debt in the name of the Selectmen, Health Committee, or Health-Officer, as the case may be, in any Court proper to try the same.

[This Act passed *February 26, 1800.*]

HEALTH OFFICE,

BOSTON, July 20, A D 1816.

THE Board of Health of the town of Boston, do make and establish the following Rules, Orders and Regulations, for the Interment of the Dead in said town of Boston, and establish the following Police of the Burying Grounds, and appoint and locate the places where the dead may be buried in said town; and make the following Regulations for Funerals and Funeral Processions, and appoint the Duties and Fees of the several Officers employed to carry the same into effect. Also, said Board of Health do hereby establish the following Penalties for the violation of any of the Rules, Orders and Regulations hereby made and established by said Board—and the same shall be obeyed by every person, and shall continue in full force, until the same are altered or repealed by this Board, or by some succeeding Board, viz :—

Former Rules
and Regula-
tions continued.

ARTICLE I.

Police of the Burying Grounds and Cemeteries.

SECT. 1. To execute the Police of the Burying Grounds and Cemeteries, there shall be *one* Superintendant elected by ballot, who on acceptance of the trust shall give satisfactory bonds for the faithful performance of the duties required, and whose jurisdiction shall extend to all the Burying Grounds and Cemeteries within the town, and his Office shall be kept in the east corner of Faneuil Hall, Market-House. It shall be the duty of the Superintendant to keep the fences, walls and gates of the respective Grounds and Cemeteries in complete repair, and properly secured by locks and bolts; to point out the place, depth and width of every grave to be dug therein; to cause the graves to be dug in exact ranges parallel with, and as near to each other as may be; and to see that the graves be so filled and elevated, and the turf replaced, that water may not stagnate thereon :—To cause the tombs opened in the respective Cemeteries, between the 1st of July, and the 30th of September, to be closed and pointed with lime within twenty-four hours after the deposit of bodies therein; and to direct the Wardens of the several Churches to which Cemeteries belong, to cause at least three bushels of good stone lime to be slacked therein on the 1st and 15th days of July, August and September :—To record in a book to be kept for that purpose, the name, age and sex of each person interred; the family to which the deceased belonged; the disease or cause of death; and whether citizen or stranger; the time when interred; the number of the grave, and the number of the range, where buried, or the tomb where deposited.

Appointment
and jurisdiction
of Superintend-
ant.

His duty.

Grave-stones to be erected under the direction of the Superintendent. SECT. 2. The Superintendent shall permit the family of any person hereafter buried in any grave in the North and South Burial Grounds, to place within 12 months after the burial of such person, a stone of the following dimensions, viz.—length 4½ feet, breadth 1 foot 10 inches, thickness 3½ inches, having the person's name and age, the number of the grave and the number of the range cut thereon, placed perpendicular 6 inches from the head of the grave, and settled in the earth 18 inches from a level surface; which, being recorded by the Superintendent, such grave shall be reserved for the use of the same family for 20 years; and graves may be re-opened for members of the same family, provided the top of any coffin put therein be not within three feet of the surface of the ground. The bottom of the first coffin buried in any grave in the North Burying Ground shall be at least eight feet from the surface of the ground; and the bottom of the first coffin buried in any grave in the South Burying Ground shall be at least six feet six inches from the surface of the ground.

Graves may be re-opened.

New graves not permitted until. SECT. 3. A new range of graves shall not be commenced until the preceding range is entirely taken up by the deposit of a body or bodies in each grave.

No temporary deposits without license. SECT. 4. A corpse shall not be deposited for a temporary purpose in any of the Public Vaults, without the license of this Board.

Corpses deposited shall be removed. SECT. 5. When a corpse shall be deposited in any of the Public Vaults, the same shall be afterwards removed and interred, agreeably to the regulations of the Board, and in the manner and time expressed in a license of the Board for said deposit. And for a faithful execution of the same, every person concerned in said deposit, removal and interment, shall severally be responsible.

Fees for depositing. SECT. 6. When a corpse is deposited in a Public Vault, in addition to the Superintendent's fees, there shall be paid to the use of the Town *one dollar* for each adult, and *fifty cents* for each child, to be collected by the Superintendent.

Returns to be made. SECT. 7. The Superintendent shall, on the Monday of each week, make a return to the Health-Office of the persons interred in the Grounds and Cemeteries in his care; which return shall comprise a copy of all the particulars required to be recorded by the first section of these Regulations; that from such returns this Board from time to time, may publish Bills of Mortality for the town.

ARTICLE II.—*Funeral Cars.*

Superintendent to have charge of the Funeral Cars. SECT. 1. The Funeral Cars shall be under the care of the Superintendent, and shall be deposited for safe keeping in places provided therefor. It shall be the duty of the Superintendent

ant, to keep them clean and in good repair; and only permit Funeral Undertakers, licensed by this Board, to use the same, on the payment of the fee established by these regulations. The Superintendant to account monthly to the Treasurer of this Board for such fees.

ARTICLE III.—*Funeral Undertakers.*

SECT. 1. A sufficient number of Funeral Undertakers shall be appointed and licensed by this Board, who shall be responsible for the decent, orderly and faithful management of the Funerals undertaken by them; and for a strict compliance with these Regulations. Each undertaker may employ sober and discreet Porters to assist him; and shall be accountable to this Board for their conduct.—Persons not licensed as Undertakers, are forbid the undertaking of any Funeral, under penalty of twenty dollars for each offence.

ARTICLE IV.—*Funerals, &c.*

SECT. 1. All Funerals shall be between sun-rising and sun-setting, except when otherwise ordered by this Board, in cases of the prevalence of contagious and malignant diseases, and shall pass through or into at least one principal street. There shall be but one bell tolled at any funeral; which bell shall be tolled no longer than one hour, and no oftener than two strokes in a minute; and the bells of the North Church shall not be chimed more than fifteen minutes for one funeral procession. The corpse of every person over ten years of age, shall be conveyed to the grave or tomb in a Funeral Car, to be drawn by not more than two horses: Provided however, That on an extraordinary occasion permission may be obtained of this Board, on regular application, to dispense with any of the rules contained in this article.

SECT. 2. The Superintendant shall designate suitable places where to bury in the North and South Burying Grounds, for the burial of people of colour.

ARTICLE V.—*Fines, &c.*

SECT. 1. If the Superintendant shall violate any or either of these regulations, he shall, on conviction, forfeit and pay a fine of fifty dollars. If an Undertaker shall violate any or either of these regulations, he shall, on conviction, forfeit and pay a fine of thirty dollars; and if any other person or persons shall violate or transgress them, he or they shall on conviction, forfeit and pay a fine of twenty dollars.

SECT. 2. The Superintendant Funeral Undertakers and Porters shall at all times be removeable at the pleasure of this Board.

ARTICLE VI.—*Fees, &c.*

SECT. 1. There shall be collected and paid for services in the execution of these regulations, the following fees, viz.:

Fees to the Superintendent. For the Superintendent.—For each grave dug, seventy-five cents, except for such persons as are buried at the expense of the town; for each tomb or public vault opened, fifty cents. For the record of each person buried or entombed, twenty-five cents. For the use of the car at each funeral, two dollars; and the same with the fees for graves, tombs and public vaults, to be collected from the families of the persons interred. The recording fees to be paid quarterly by the Board of Health.

Fees to the Undertakers. For digging a grave 8 feet deep, and covering the same, two dollars and fifty cents; for one 6 feet 6 inches deep, one dollar and fifty cents; for one 5 feet deep, one dollar and twenty-five cents, and for 4 feet deep one dollar. For opening and closing a tomb, seventy-five cents. For service at the house of a person deceased, in collecting and returning chairs and other attendance, one dollar; for every family notified by request, five cents; for tolling a bell, fifty cents; for placing a corpse in coffin when requested, and removing down stairs, one dollar; for the use of one horse in the car, and leader, one dollar and fifty cents; for two horses, seventy-five cents each; for carrying a corpse from the house to the car, and from the car to the grave, tomb or vault, and removal of the same from the Public Vault to the place of interment, including the assistance of funeral porters, and the leader or leaders of the Funeral Car, three dollars.

Additional fee. SECT. 2. When a corpse is carried into a church, the Funeral Undertaker may make an additional charge of two dollars; and whenever the ground shall be frozen, the charge of digging graves may be augmented at the discretion of this Board.

SECT. 3. For burial of children under ten years of age, viz. Digging a grave $3\frac{1}{2}$ feet deep, seventy-five cents; for service at the house, one dollar; tolling bell, fifty cents; carrying the corpse to the carriage, and from the carriage to the place of deposit, fifty cents; for the use of a pall, twenty-five cents.

SECT. 4. It shall be the duty of the several Undertakers and each of them to settle with, and pay over monthly to the Superintendent, the fees provided for in the first section of this article.

ARTICLE VII.—*Burying Grounds.*

Certain burying-grounds closed. SECT. 1.—The Central, Chapel and Granary Burying Grounds are closed so far, that no graves shall be opened or dug, nor tombs built therein, until the further order of this Board.

SECT. 2. The old part of the North Burying Ground is also closed so far, that no graves shall be opened or dug therein, ^{Others closed conditionally.} excepting in the places appropriated for the interment of people of colour, under the direction of this Board. Persons may have leave to erect tombs in the new part of the North Burying Ground, and the South Burying Ground, under the direction, and on the conditions prescribed by this Board.

By order of the Board of Health,

BENJAMIN WHITMAN, *President.*

Attest—N. GREENOUGH, *Sec'ry.*



HEALTH OFFICE.

BOSTON, July 30, A. D. 1816.

THE Board of Health of the Town of Boston, do hereby establish and regulate the Quarantine to be performed by all vessels arriving within the harbour of the town of Boston, and do establish, make and ordain the following Orders, Rules and Regulations, relating to said Quarantine, the same in the opinion of said Board, being necessary for the safety of the public, and the security of the health of the Inhabitants of the said town of Boston; and the same are to be obeyed by all persons, and shall continue to be in force, until the same are altered or repealed by this Board, or by some succeeding Board of Health, viz. : ^{Quarantine established.}

ARTICLE I.

Quarantine of Vessels.

SECT. 1. On and after the twentieth day of May annually and until the twentieth day of October, in each year, a quarantine shall be had of all vessels, their officers, crews, passengers and cargoes, that come within the harbour of Boston, which are from or have touched at any port or place within the tropics, or from any of the West India Islands, or from any of the British provinces in North America, having arrived there from any of the places herein mentioned, or any port or place where contagious sickness doth or hath recently prevailed—of all vessels on board of which any person shall have died of any disease, or been sick during their homeward passage, excepting vessels coming from places beyond the *Cape of Good Hope*, where no contagious or malignant disease was known to be prevalent previous to their departure—or from the Islands of *St. Helena* or *Ascension*.

SECT. 2. The quarantine above directed, shall be had near *Rainsford Island*, under the direction of the Principal or Assistant Physician, and other officers of this Board, and shall con-

tinue on every vessel which has had *twenty-two* or a less number of days passage, until she shall have made up *twenty-five* days from the day she left her last port; and on each vessel which has had *twenty-three* or more days passage, *seventy-two hours*, in addition to such passage. And on every vessel, on board which, during her homeward passage, any person shall have died (excepting from accident or casualty) the quarantine shall be extended to 25 days from the last death. And no vessel shall be considered as having commenced quarantine, until she shall have anchored in her proper station on quarantine ground, as directed by the Principal or Assistant Physician, or other officers of this Board.

Masters, &c. of vessels, to comply with Regulations.

SECT. 3. The masters, officers, crews and passengers of all vessels when on quarantine, shall be subject to the Regulations of this Board, and such others may be adopted by the Principal or Assistant Physician: and the master of each vessel shall be accountable for the appearance on board his vessel, at the time she shall be discharged from quarantine, of all and every person who arrived in her, or who may have been landed from her in any port of the United States, or put on board any vessel, during her homeward passage, cases of death excepted.

Extraordinary cases.

SEC. 4. In extraordinary cases, the Committee of the week is authorized to direct the above period of quarantine to be prolonged.

Physician may discharge certain vessels.

SECT. 5. Vessels not otherwise subject to quarantine, having only *Small Pox* on board, may be discharged whenever the Principal or Assistant Physician shall consider them free from infection.

Masters of vessels must deliver certificates, &c.

SECT. 6. Every master of a vessel shall, within twenty-four hours after being discharged from quarantine, deliver at the Health-Office in Faneuil Hall, the certificates and flags he shall have received from the Principal or Assistant Physician, or Island-keeper, and shall, on paying the sum of ten dollars, receive a counter certificate from the Secretary of this Board, to entitle his vessel to entry at the Custom-House.

Fees paid to the Physician.

SECT. 7. When any vessel has been quarantined, examined and attended, and the master is desirous of leaving the ground, with his vessel, for any other port, he shall, previous to his receiving his certificate of discharge, pay to the Principal or Assistant Physician the established fees.

Article uninfected may be landed.

SECT. 8. During the time a vessel shall be on quarantine, on application made to this Board to permit the unloading and conveyance to town of any wine, rum, spirits, salt, sugar, molasses, mahogany, dye-woods, tobacco, preserved or other fruits, and such other articles as shall be declared incapable of receiving or conveying infection, and when permission to unload the same shall have been obtained from the Custom-House; it shall be lawful for the Committee for the week to authorize

the Principal or Assistant Physician of this Board, to permit such articles to be unladen from any vessel on quarantine, and the same to be conveyed to town by Lightermen duly licensed by this Board for that purpose—And the Principal or Assistant Physician shall grant a certificate thereof, to be deposited in the Health-Office, for which 25 cents shall be paid: And the lighters to be employed in the transportation of such uninfected articles, shall, when unemployed, be anchored off the south-east part of *Rainsford Island*; and the lightermen employed therein, shall not be permitted to land in town, without the permission of the Principal or Assistant Physician.

Lightermen
and lighters.

ARTICLE II.

Mediterranean Vessels.

SECT. 1. Every master of a vessel who, on and after the twentieth day of May annually, and before the twentieth day of October, in the same year, shall arrive from *Gibraltar*, or at any port or place within the Streights, shall carry and anchor his vessel on quarantine ground, where she shall remain until she be examined by the Principal or Assistant Physician, who, in concurrence with the Committee for the week, may permit her to pass if it appears to them that the public health will not be endangered thereby—And the Master of such vessels shall receive a counter certificate from the Secretary of this board, to entitle his vessel to entry at the Custom-House on his paying him the sum of five dollars.

Mediterranean
vessels.

ARTICLE III.

Vessels to be Reported.

SECT. 1. The masters of all vessels, which, on and after the twentieth day of May annually, and before the twentieth day of October in the same year, shall arrive from any port or place not subject to quarantine, shall, previous to entry at the Custom-House, make report at the Health-Office, in *Faneuil-Hall*, of the state and condition of their crews, passengers and cargoes, and of all other circumstances which may concern the public health. If found to be from a port free of contagious disease, the master of each vessel shall receive a certificate to permit the entry of such vessel at the Custom-House, for which 25 cents shall be paid; if otherwise, the vessel, crew and passengers shall be sent to *Rainsford Island*, on quarantine.

Vessels to be
reported.

ARTICLE IV.

Vessels from Out-Ports.

SECT. 1. Every vessel which shall arrive, and enter at any out-port from any of the ports or places mentioned in the first article of these Regulations, and shall afterwards come to this port, shall be subject to quarantine, unless the master produces

Vessels from
out-ports.

a correct certificate from the Board of Health, or Selectmen, of such out-port, that such vessel has been at least twenty five days from such ports or places ; that during that time no person has died, (excepting by accident or casualty) or been sick on board ; and that such vessel has been duly examined, and thoroughly purified or cleansed.

ARTICLE V.

Infected Vessels.

SECT. 1. All vessels from any port or place whatever, having on their homeward passage had one or more *persons sick* on board, shall, at *all seasons* of the year, be liable to perform quarantine, if, in the opinion of the Principal or Assistant Physician, it shall be necessary.

ARTICLE VI.

The Duty and Power of the Principal Physician, and Assistant Physician.

SECT. 1. It shall be the duty of the Principal Physician of this Board, (when no Assistant Physician resides on *Rainsford Island*) to visit *Rainsford Island* every day when there are three or more vessels on quarantine ; and, when less than three, as often as the Committee for the week shall prescribe. He shall direct in what manner vessels are to be cleansed ; what articles shall be landed, washed, buried, or destroyed. He shall order the sick to be landed, if necessary ; shall attend all the sick at said Island, prescribe according to his best skill and judgment to their relief, and find all medicine. He shall be allowed to charge each sick person for such attendance, provided his charge does not exceed three dollars for common cases ; but he may increase the charge for extraordinary cases, deemed such by the Committee for the week ; and he shall report, at least once a week, the number of such sick persons under his care at the Island, the length of time they have been confined there ; and, when discharged, shall immediately present his account for attendance to the Committee for the week, a record of which shall be entered on the Journal kept by that Committee. He shall direct the Pilots where to anchor vessels ; and they are hereby required to obey his directions. He shall deliver to the master of each vessel arriving on quarantine, a copy of the Quarantine Regulations of this Board. He may establish rules and regulations for the preservation of good order on the Island, to promote the designs of quarantine, such rules and regulations being under the control of this Board. He shall from time to time report to the Committee for the week, the state of vessels on quarantine. He shall grant a certificate of discharge to each vessel having duly per-

formed quarantine; and generally, it shall be his duty to do and perform all things necessary to carry the Regulations of Quarantine into complete effect. And when an Assistant Physician shall reside on said Rainsford Island, all the duties and powers of the Principal Physician contained in this article shall devolve upon, and may be executed by such Assistant Physician.

ARTICLE VII.

The Secretary's Quarantine Duty.

SECT. 1. The Secretary of this Board shall receive the Principal or Assistant Physician's certificates of discharge; shall ^{Secretary's quarantine duty.} give counter certificates to entitle such vessels to entry at the Custom-House, receive the fees required for such certificate, and all other fees, and the same pay to the Treasurer. He shall make the necessary inquiries of all masters of vessels, reporting at this office; shall note the same; and shall receive and communicate at every meeting of this Board, the reports received from the Island.

ARTICLE VIII.

The Island Keeper's Duty.

SECT. 1. The Island Keeper or his Assistants shall attend the purification of all vessels, clothing, bedding, persons, &c. ^{Island Keeper's duty.} at quarantine, agreeably to the directions of the Principal or Assistant Physician; shall board and attend the sick, and find nurses; and shall be allowed five dollars each week for the board and nursing each sick person at the Island; to be collected as the fees of the Principal or Assistant Physician are by law collected or assumed; and shall employ two persons to ply the Island boat, during the time a general quarantine is required; who shall be subject to the orders of the Committee of the Quarantine, and shall communicate to the Health-Office information of the arrival of vessels at the Island, as they occur; and of any event which may require the attendance of the Principal or Assistant Physician at the Island; shall carry supplies to vessels on quarantine, when delivered on board the boat, and shall be held to conform to all the directions of this Board.

SECT. 2. In the absence of the Principal and Assistant Physician, the Island-Keeper or his Assistant are charged with the police of the Island, agreeably to the laws and rules thereof. ^{Island Keeper's duty when the Physician is absent.}

ARTICLE IX.

No person not on quarantine shall be allowed to visit Rainsford Island during the time of quarantine, without producing ^{Not visit the Island without Permit.} a permit from the Secretary of this Board, for which 25 cents

shall be paid for each person ; but no certificates shall be valid, unless presented within twenty-four hours from the date thereof.

ARTICLE X.

SECT. 1. The Board of Health may dispense with any or all the afore said Orders, Rules and Regulations relative to Quarantine, upon such conditions and under such circumstances as said Board or its Committee in any particular case, may think proper, consistent with the publick safety.

By order of the Board,

BENJAMIN WHITMAN, *President.*



HEALTH OFFICE.

BOSTON, July 30, 1816.

THE Board of Health of the Town of Boston, do make and order, that the following Rules, Orders and Regulations, for the preventing, removing or destroying all Nuisances, sources of Filth, and causes of Sickness, within the limits of the town of Boston, or on board any vessels, or on any Island in the harbour of Boston, shall continue in force and be obeyed by all persons, until changed, altered or repealed by this Board, or by some succeeding Board of Health, viz.

House Dirt, &c.

Dirt and filth
how to be dis-
posed of.

ART. 1. No person or persons shall be allowed to throw or bring into any street, square, lane or alley, any house dirt, filth, or sweepings of any kind, or any decayed vegetables or dead animal substance. But all such house dirt, filth, sweepings, or vegetable or animal substance, shall be deposited in such vessels as will not contain liquids, and kept in some convenient situation for the drivers or the Scavenger's carts to take away. And no person shall be allowed to cast any dead animals, vegetable substances, or sweepings of any vessel, into any of the docks, the mill-pond, or any other place between the channel and the shore ; nor to land the same, or any foul and infected ballast, or other substance, on any wharf, or landing place, within the Town. And any dead animal thrown into the channel shall have a sufficient weight affixed to it, to prevent its floating to the shore.

Removal of Dirt, &c.

Removal
Dirt, &c.

ART. 2. When any quantity of dirt, saw-dust, foot, shavings, straw, hair, animal or vegetable substance, or filth of any kind, shall be found in any cellar, yard, or other premises, or be thrown into any street, square, lane or alley ; the owner or

occupier of such cellar, yard or other premises, where found ; or the owner or occupier of the premises from whence such dirt, saw-duft, &c. had been removed, shall cause the same to be carried away, at his, or her expense, within four hours after notification, in writing from this Board.—And all carts or waggons employed in the carting earth, clay, sand or dirt of any kind, shall have and use good and sufficient fore and hind boards, and otherways sufficiently tight to prevent the said earth, sand, clay, or dirt, from dropping in the streets through which they may pass.

Waste Water.

ART. 3. The owners or occupiers of houses, buildings or lands, shall cause all *Waste Water* from their premises to be conveyed from their cellars, yards, sinks, pumps and vacant lands, through drains under ground to common sewers ; or to such reservoirs sunk under ground to receive the same, as a committee of this Board shall approve. Waste Water.

Vaults, Privies, &c.

ART. 4. The owners of vaults or privies, and the occupiers of the house or houses, store or buildings, to which they belong or are attached, shall not permit the contents of such vaults or privies, to rise within two feet of the surface of the earth—and every owner, occupier or person who improves any vault or privy, in the town of Boston, shall constantly keep the same vault or privy boxed or made tight, so that the contents thereof shall not escape from such vault or privy into the cellar or on to the land of any other person, or into or on any street, lane or alley in the town of Boston, or on any land belonging to said town of Boston, or any corporation ; and no vault or privy shall be emptied without a permit from this Board, and by persons authorized by this Board for that purpose. Vaults, privies, &c.

Stables, and Stable Manure.

ART. 5. The owners or occupiers of livery and other stables, shall not permit more than two cart loads of manure to accumulate and remain in or near their stables, at any one time, between the first day of May and the first day of November, and shall keep their stables and stable yards clean and decent. Stables, and stable manure.

Market Stalls.

ART. 6. Persons occupying stalls in Faneuil-Hall, Boylston square, shall daily, in the morning, during the months of June, July, August, September and October, wash or cleanse their respective stalls.—They shall not permit any heads, feet or of-

fals of dead animals, or vegetables of any kind to remain in or about their stalls, over night. They shall take up and remove the platforms of their respective stalls, on the first day of June, and shall not replace them until the 1st day of November ensuing; during which period, meats of any kind shall not be exposed in the markets, or any other place within the town, excepting in the stalls, carts, or other vehicles, which shall be covered from the rays of the sun; nor expose for sale any mutton or lamb with the feet on the same.

Damaged Grain, Rice and Coffee.

Damage^d grain, rice and coffee. ART. 7. No person shall be allowed to land on any wharf, or put on shore, from any boat or vessel, or bring into town by land, any damaged grain, rice, or coffee, without a permit from this Board.

Swine and Goats.

Respecting the keeping of swine and goats. ART. 8. Swine and Goats shall not be kept within the limits of this town by any person, without a license from this Board, and in such place and manner as the Board shall approve.

Fresh Fish.

Fresh fish, when permitted. ART. 9. *All Fish* before brought into this town, shall first be gutted, and the fish made clean. *Fresh Fish*, (excepting such as are named in the succeeding article) shall not be offered for sale between the 1st day of June, and the 1st day of October, unless kept in covered stalls, fish-boxes, or other houses situated over the salt water.—And Fresh Fish offered for sale in the streets before the 1st day of June, and after the first day of October, shall be kept clean in covered carts, barrows, &c.

Salmon and Small Fish.

Salmon and small fish. ART. 10. Salmon, Shad, Bafs, Mackerel, Tautog, Eels, and Flounders, Tomcods, Smelts, and other small Fish, may be sold at all times, in any part of the town, provided they be kept secure from the rays of the sun; but venders thereof will be held responsible for any nuisance created thereby. Provided, however, that Salmon and Bafs, brought to town by sea, may be sold, and landed therein, when cleansed of their entrails; which entrails are to be kept on board in tight vessels, and removed beyond low water mark, at every time of high water.—And that no person take a stand in or near the Faneuil-Hall Market for the sale of such Fish as are allowed by this article, but at the north side of said Market-House, at the place provided by the Clerk of said market for that purpose.

And whereas sick persons are much distressed by the practice of blowing horns, trumpets, and other wind instruments,

by Fishermen and others, to call the attention of the people to their occupations and business, and the same is injurious to the health of the inhabitants; therefore, *Ordered*, That horns, trumpets, or other wind instruments, shall not be blown or sounded by any Fisherman or other person, to the injury or disturbance of any sick person.

Oysters.

ART. 11. Oysters shall not be offered for sale within the ^{Oysters.} limits of the town, between the 5th day of July and the 1st day of September.

Feathers, Rags, &c.

ART. 12. Feathers, old or new, shall not be landed, or ^{Feathers, rags,} brought within the limits of the town between the 1st day of ^{&c.} May and the 1st day of November, without a permit from this office after a previous examination by the person authorized by this Board. And feather and other beds, bedding, clothing, or rags, shall not be landed, or brought into this town from any place where any contagious disease doth, or hath recently prevailed, unless by special permission of this board. Nor shall any clothing or other article, which contains or is affected with any disease which may communicate any disorder to any person, be landed or brought within the town of Boston without a special permit from this Board.

These Regulations, in addition to those enumerated by the Act empowering the town of Boston to choose a Board of ^{Determination of the Board to} Health, and other laws relating to said Board, being essential ^{enforce Rules.} to the preservation of the health of the town, it is the determination of the Board of Health most rigidly to enforce their execution, and to prosecute all violators. And, as heavy penalties are by law attached to the breach of any or either of them, the said Board request their constituents to cause these Regulations to be made known to all persons under their direction, and read to their domestics; and also to assist the Board in their due execution. Complaints of any breaches thereof, or any neglect or inattention, in any person employed or licensed by the Board are solicited; and those who complain may rely on all proper secrecy.

BENJAMIN WHITMAN, *President.*

A true copy of Record—N. GREENOUGH, *Sec'y.*

An Act to protect the Sepulchres of the Dead.

Penalty for
taking dead
bodies.

SECT. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any person, not being authorized by the Board of Health, or the Selectmen of any town in this Commonwealth, shall knowingly and wilfully dig up, remove or carry away, or aid or assist in digging up, removing or carrying away any human body, or the remains thereof, such person or persons so offending, shall, on conviction of such offence, in the Supreme Judicial Court of this Commonwealth, be imprisoned, not more than one year, or fined, not more than one thousand dollars, according to the nature and aggravation of the offence.

SECT. 2. *Be it further enacted,* That if any person or persons knowingly and wilfully receive, conceal, or dispose of any human body, or the remains thereof, which shall have been dug up, removed, or carried away in the manner described in the first section of this act, he or they shall be subject to the same forfeitures and penalties, as in said section is provided, on conviction thereof in the court aforesaid: *Provided however,* That nothing in this act shall be so construed as to affect the power or authority in the courts of the United States, or of this Commonwealth, or of any person acting under the authority of the same, in removing or disposing of the bodies of persons executed pursuant to any sentence of such court.

SECT. 3. *Be it further enacted,* That all fines, accruing under this act, shall enure, one half to the informer, and one half to the town in which the offence is committed.

[Approved by the Governor, March 2, 1815.]

IN BOARD OF HEALTH,

BOSTON, APRIL 6, 1816.

VOTED, That the following RULES and ORDERS be adopted for the regulation of the Board the ensuing year, viz.—

ARTICLE 1.

There shall be a stated Meeting of the Board every Monday, to commence the 15th instant, at 3 o'clock, P. M. until the first week in November, and once a fortnight the remainder of the year. Seven Members shall be necessary to form a Board.

ARTICLE 2.

In the absence of the President, a President *pro tem.* shall be appointed.

ARTICLE 3.

The Members shall take their seats at the Board in numerical order; the Member of Ward No. 1 on the right hand, and the Member from Ward No. 12 on the left hand of the President.

ARTICLE 4.

In all debates, the speaker shall address the President, and there shall be no interruption of a Member speaking, excepting to call him to order.

In all debates, no Member shall be allowed to speak to the point in debate, more than twice, without special leave of the Board, nor more than once, while Members who have not spoken wish to speak.

ARTICLE 5.

The majority of votes of the Members present shall be considered as the act of the Board; but any Member may enter his dissent to any measure on the Records of the Board, and no vote shall be re-considered by a less number than there were present when the same was passed.

ARTICLE 6.

No Member of the Board shall withdraw himself without leave from the President.

ARTICLE 7.

An inviolable secrecy shall be observed by the Members, of the names of all persons entering complaints, and the Officers of the Board are enjoined strictly to observe this Article.

ARTICLE 8.

Punctuality as to the time of meeting of the Board shall be strictly observed, and no person other than the Officers of the Board shall be admitted during its deliberations.

ARTICLE 9.

The Board shall be divided into Committees of three each, to be styled the Committee for the Week of the Board of Health, the Members of which shall sit daily in rotation, and during their continuance in office shall have power to carry into execution all the Laws, Rules and Regulations of the Board; shall make records of their proceedings for the general inspection of the Members, and whenever they judge it necessary, call special Meetings of the Board.

ARTICLE 10.

No Member shall be obliged to serve on more than two Committees, excepting the Committee for the Week, unless all the Members are on that number.

ARTICLE 11.

The Treasurer, Secretary and Messenger shall keep books to enter all monies which they may receive and pay belonging to the Board, which books shall at all times be open for the inspection of the Members of the Board.

Laws of Mass: establishing & defining the
powers of the Boston Board of Health, 1797 &
with the Rules &c of said Board 1816. (1800)

"An Act to protect the Sepulchres of the Dead"
passed March 2. 1815, page 36 -
Hc.

Book bound

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